

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**LENDERS FUNDING, LLC,**

Plaintiff,

v.

**CASH4CASES, INC., ET AL.,**

Defendants.

Case No. 19-cv-8096-YGR

**ORDER RE: PLAINTIFF'S EX PARTE  
MOTION FOR TEMPORARY RESTRAINING  
ORDER AND ORDER TO SHOW CAUSE**

Re: Dkt. No. 10

Plaintiff Lenders Funding, LLC has filed an ex parte motion (Dkt. No. 10) for a temporary restraining order, the immediate appointment of a temporary receiver and other relief, and an order to show cause regarding appointing a permanent receiver and other relief, and, additionally, issuing a preliminary injunction.

A temporary restraining order may be granted without written or oral notice to the adverse party or that party's attorney only if: (1) it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss or damage will result to the applicant before the adverse party or the party's attorney can be heard in opposition, and (2) the applicant's attorney certifies in writing the efforts, if any, which have been made to give notice and the reasons supporting the claim that notice should not be required. Fed. R. Civ. P. 65(b).


Plaintiff has not satisfied the aforementioned requirements. First, it is not clear from the specific facts shown by the attached affidavits or by the complaint that immediate irreparable injury, loss or damage will result to the applicant before the adverse party or the party's attorney can be heard in opposition. Indeed, the ex parte motion instead states that "[d]ue to the nature of the relief requested, including the Temporary Restraining Order, [plaintiff] respectfully requests that this Motion be heard on a date set by the Court after [plaintiff] effectuates service of these papers and the complaint and summons." (Dkt. No. 10 at 2.) Such a statement suggests that the

1 motion should not be heard and resolved on an ex parte basis. Rather, the request appears to  
2 suggest a hearing with full briefing on shortened time. Second, Plaintiff has failed to give notice  
3 to the adverse party or their attorney. In other words, plaintiff's counsel has not certified in  
4 writing the efforts, if any, which have been made to give notice or provided the reasons for why  
5 notice should not be required.

6 Plaintiff is advised that without such a showing the motion cannot, and will not, be  
7 granted.

8 **IT IS SO ORDERED.**

9 Dated: December 20, 2019

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11 YVONNE GONZALEZ ROGERS  
12 UNITED STATES DISTRICT JUDGE  
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